

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-692

October 30, 2001

Adelphia Business Solutions, Inc
Request to Abandon Service

ORDER GRANTING
AUTHORITY TO ABANDON
SERVICE

ACC Telecommunications, LLC
d/b/a/ Adelphia Business Solutions
Petition for Finding of Public Convenience
and Necessity to Provide Resold Local Exchange
and Service and Interexchange Telephone Service

ORDER GRANTING
AUTHORITY TO
PROVIDE RESOLD LOCAL
EXCHANGE AND
INTEREXCHANGE SERVICE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On October 5, 2001, Adelphia Business Solutions, Inc. (Adelphia) and ACC Telecommunications LLC d/b/a/ Adelphia Business Solutions (ACC) filed a joint application requesting the Commission to grant such authority as may be necessary for Adelphia to discontinue service and to transfer its authority to provide local exchange and interexchange service to ACC. Adelphia obtained authority to provide resold local exchange and interexchange service in Docket No. 2000-344. Authority to provide those services was granted to a predecessor (Hyperion, later renamed Adelphia Business Solutions of Maine) in Docket No. 99-102.

The present application constitutes both a request by Adelphia to abandon service (35-A M.R.S.A. § 1104) and an application by ACC for a finding of public convenience and necessity (35-A M.R.S.A. § 2102) to provide the same service now being provided by Adelphia. As a result of these two transactions, Adelphia's current authority to provide local exchange and interexchange telephone service will terminate and ACC will, in effect, take over its service.

The service, rate schedules and terms and conditions of the successor entity ACC will be identical to those of Adelphia, the public utility that is abandoning service. In cases where a change such as the one before us has resulted in a change in rates or terms and conditions to existing customers, we have required the abandoning utility to provide notice to its customers. As this transaction will present no such change, we will not require notice.

By this order we grant authority to ACC to provide resold local exchange and interexchange service subject to all provisions of the order granting authority to provide such service to Adelphia. As specified in the ordering paragraphs, ACC shall file a schedule of rates, terms and conditions that reflect the corporate and name change.

Wherefore, we

O R D E R

1. That the request, pursuant to 35-A M.R.S.A. § 1104, by Adelphia to abandon service is hereby granted;

2. That the petition, filed pursuant to 35-A M.R.S.A. § 2102, of ACC Telecom for a finding of public convenience and necessity to provide resold local exchange and interexchange public utility telephone service is hereby granted; ACC Telecom shall be bound by and subject to all provisions, including the ordering paragraphs, of the order granting authority to Adelphia Business Solutions, Inc. in Docket No. 99-102;

3. That ACC Telecom shall file proposed rate schedules and terms and conditions, substantively identical to those of Adelphia Business Solutions, Inc., but reflecting the corporate and name change, within 30 days following the date of this Order.

Dated at Augusta, Maine this 30th day of October, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.